

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-23 and 27-30 are presently pending in this case. Claim 18 is amended by the present amendment. As amended Claim 18 is supported by the original claims, no new matter is added.

In the outstanding Official Action, Claims 21 and 23 were rejected under 35 U.S.C. §101; the specification was objected to; Claim 18 was rejected under 35 U.S.C. §112, second paragraph; Claims 1-4, 6, 8-17, 20-23, and 27-30 were rejected under 35 U.S.C. §102(b) as anticipated by Kohonen et al. (“Self Organization of a Massive Document Collection,” hereinafter “Kohonen”); Claims 5 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Kohonen in view of Hamilton et al. (U.S. Patent No. 6,874,109, hereinafter “Hamilton”); and Claims 18 and 19 were rejected under 35 U.S.C. §103(a) as unpatentable over Kohonen in view of Derthick (“Interface for Palmtop Image Search”).

With regard to the rejection of Claims 21 and 23 under 35 U.S.C. §101, it is respectfully noted that Claim 21 is a method claim having two steps: “storing” and “transmitting,” contrary to the assertion in the outstanding Office Action that “They are clearly not a series of steps.”¹ With regard to the use of the term “logic,” it is respectfully noted that this is not one of the steps of the claim, but is simply recited in the preamble. As a process or method is a statutory class of subject matter, it is respectfully submitted that Claim 21, and Claim 23 (an article of manufacture) dependent therefrom, are in compliance with all requirements under 35 U.S.C. §101.

With regard to the objection to the specification, it is respectfully noted that metadata is discussed at least on page 4, lines 28 and 38, and feature vectors are discussed at least at

¹See the outstanding Office action at page 2, line 25.

page 5, line 14 and in Figure 2. Accordingly, the objection to the specification is believed to be overcome.

With regard to the rejection of Claim 18 under 35 U.S.C. §112, second paragraph, claim 18 is amended to recite “a portable data processing device.” Accordingly, Claim 18 is believed to be compliant with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claims 1-4, 6, 8-17, and 20-26 as anticipated by Kohonen, that rejection is respectfully traversed.

Claim 1 recites in part:

a data network; and
an information retrieval client system connected to said data network; and
one or more information item storage nodes connected to the data network,
wherein each storage node comprises a store configured to store a plurality of information items and an indexer for transmitting data derived from information items stored at that storage node to said client system via said data network, and
said client system includes a node position generating unit configured to generate a node position in respect of each information item represented by said received data responsive to data received from said indexer of a storage node.

The outstanding Office Action appears to be interpreting the databases from which the patent abstracts are obtained² as the “storage nodes” recited in Claim 1.³ The outstanding Office Action therefore appears to be interpreting the SGI workstation⁴ as the “client system.” Furthermore, the outstanding Office Action then asserts that the databases must transmit the data via a data network.⁵

However, is respectfully submitted that this is not the case in Kohonen. Indeed, Kohonen explicitly states that they used patent abstracts that were “*available on CD-ROMs*

²See page 581 of Kohonen, V. The Document Map of all Electronic Patent Abstracts.

³See the outstanding Office Action at page 4, lines 12-30.

⁴See page 582 of Kohonen, section V.C Formation of the Document Map.

⁵See the outstanding Office Action at page 4, lines 8-12.

or other electronic media.”⁶ In Kohonen, the data cannot have been transmitted over a network (as recited in Claim 1), but must merely have been loaded onto the SGI workstation using a suitable media reader. Therefore, there is only a ***single*** system arrangement in Kohonen and ***not*** a split system as the outstanding Office Action asserts.

Additionally, it is respectfully submitted that a storage medium such as a CD-ROM would not be able to comprise “...an indexer for transmitting data ***derived from information items*** stored at that storage node to the client system via the data network,” (emphasis added) because a CD-ROM, when taken in isolation, cannot carry out any form of data processing; it is merely a passive storage medium. At most, a CD-ROM stores a plurality of information items. Furthermore, it would not be obvious to one of ordinary skill in the art to interpret sending a CD-ROM via a courier service (for example) as “transmitting data over a data network” as recited in Claim 1.

In this regard, it is noted that Kohonen states that processing is carried out on the raw patent abstracts.⁷ In other words, even if the databases in Kohonen were stored on, for example, a network server that transmits data to the workstation, the data that would be transmitted would be the raw data stored in the database rather than data derived by the server from the information items stored in the database (see Claim 1 of the present application).

Furthermore, Kohonen states that ***the whole process of computation*** of the document map takes about six weeks on a six-processor SGI O2000 computer.⁸ This includes any pre-processing that may be carried out,⁹ thereby implying that data is not derived by the database from information items stored in the database. Thus, in Kohonen, all the processing is carried out by the SGI workstation ***as a single system***. Kohonen teaches away from the claimed

⁶See page 575 of Kohonen, Section B — Scope of this Work, fifth paragraph, lines 9-12.

⁷See page 581 of Kohonen, Section V.A — Preprocessing.

⁸See page 582 of Kohonen, Section V.C — Formation of the Document Map.

⁹See page 581 of Kohonen, Section V.A — Preprocessing.

invention because all the processing necessary to calculate the SOM is carried out by *the same system.*

By way of contrast, embodiments of the present invention store information items at storage nodes and to a client system. This advantageously reduces the network traffic between the storage nodes and the client system and reduces the overall processing overhead at the client system. These advantages are simply not relevant in a single system arrangement such as that disclosed by Kohonen.

Consequently, as Kohonen at least does not teach “a client system” as defined in Claim 1, Claim 1 (and Claims 2-15 dependent therefrom) is not anticipated by Kohonen and is patentable thereover.

In a similar manner, the “store” of Claim 16, the “node position generating unit” of Claim 17, the “storing,” “transmitting,” and “generating” of Claim 20, the “transmitting” of Claim 21, and the “generating” of Claim 22 are not believed to be described by Kohonen either. Accordingly, Claims 16-23 are also not anticipated by Kohonen and are patentable thereover.

With regard to the rejection of Claims 5 and 7 as unpatentable over Kohonen in view of Hamilton, it is noted that Claims 5 and 7 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Hamilton does not cure any of the above-noted deficiencies of Kohonen. Accordingly, it is respectfully submitted that Claims 5 and 7 are patentable over Kohonen in view of Hamilton.

With regard to the rejection of Claims 18 and 19 as unpatentable over Kohonen in view of Derthick, it is noted that Claims 18 and 19 are dependent from Claim 17, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Derthick does not cure any of the above-noted deficiencies of Kohonen.

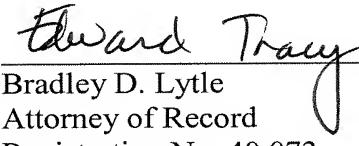
Application No. 10/664,189
Reply to Office Action of August 9, 2007

Accordingly, it is respectfully submitted that Claims 18 and 19 are patentable over Kohonen in view of Derthick.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Edward W. Tracy, Jr.
Registration No. 47,998

I:\ATTY\ET\282560US\282560US-AMD11.9.07.DOC